

**To:** Herrera, Angeles[Herrera.Angeles@epa.gov]  
**From:** Greg Lovato  
**Sent:** Wed 5/11/2016 4:35:51 AM  
**Subject:** Anaconda Timeline

Angeles,

Thanks for working with your team to put the draft MS Project 5 year schedule together for the Anaconda Site. This will be extremely helpful in developing a common understanding of site priorities and expectations and communicating those clearly to BLM, ARC and the community. Based on our responses below I think you will see we have some suggested changes but on the whole are fairly well aligned with EPA.

The original dates I sent in my April 29 e-mail were from the detailed milestone schedule that Jeryl had been keeping based on regular calls with the EPA RPMs. However, after reviewing with Jeryl again this week, we agree that several of the milestones for OUs other than OU-8 that I proposed in my April 29 e-mail are not realistic.

Our comments here focus on the schedule proposed for the remainder of 2016 and through March of 2017. While it is helpful to frame things up in a five year schedule, I think beyond March of 2017 we may be better served and it is more realistic to describe anticipated ranges rather than hard dates for milestone events (also see item 7 below). For the upcoming community meeting and outreach, in addition to OU-8 activities and listing process, I proposed we explain:

- why we have prioritized these particular OUs
- what we are planning on getting done through March of 2017 on these OUs
- identification of any key issues that we have identified that may impact the schedule and how we intend to handle those.

I offer the following in response to the schedule and the points included in your May 4 e-mail.

1. OU-3 (Process Areas). NDEP agrees that, given our existing resources, it makes sense to re-prioritize work and re-allocate responsibilities on OU-3 in order to make substantial progress on OU-4a (Evaporation Ponds), OU-1 (Site-Wide groundwater), OU-7 (Wabuska Drain) and OU-8 (Arimetco). However, we ask that, at a minimum, EPA continue to devote resources needed to take advantage of project momentum to complete the HHRA process for OU-3 by December 2016, as that will help to guide and inform the HHRA process for other higher priority OUs. Given our existing resources and other commitments, NDEP cannot commit to taking the lead on all of OU-3 at this time. Instead, other than the HHRA completion this year, we concur that other OU-3 work be postponed and revisited at a future date. It is possible that NDEP will obtain additional resources in the coming year and could offer to take the lead on OU-3 at that time. NDEP believes that enough progress has been made such that completion of the HHRA by the end of 2016 is achievable.

2. Stakeholder Process and Interaction with ARC. NDEP acknowledges that an aggressive schedule may not allow extended technical exchange on all issues raised, but it can allow for focused technical exchange on threshold issues. In order for EPA to reject ARC deliverables based on concerns from stakeholders, EPA needs to make a judgment that those concerns are warranted and have material impact on threshold issues directly associated with making a protective CERCLA remedy selection. The mere existence of a number of concerns is not sufficient to warrant rejection of deliverables or require re-submission.

3. Groundwater Restoration. NDEP acknowledges the NCP requirement to develop remedial action objectives for groundwater based on current and potential future uses, including as a drinking water source. NDEP requests that EPA consider a phased approach to selection and implementation of the OU-1 remedy, considering the specific decisions that need to be made about restoration time frames and aquifer restoration potential based on site-specific hydrogeologic and contaminant fate and transport information. One of NDEP's objectives is to accelerate actual mitigation of groundwater contamination

rather than spend extended time on remedy selection for off-site areas before taking action. There needs to be a balanced approach.

4. OU-4a. NDEP considers this the highest priority OU. Our understanding is that Phase 1b field investigation is scheduled to be completed and the results submitted in 3Q 2016. We believe with adequate advance notice and planning, we should commit to evaluating the results and making a determination on the scope of the final phase of field investigation in 3Q 2016 as well. The outcome of that determination will affect subsequent OU-4a tasks and schedules.

5. OU-1. NDEP is encouraged to see the proposal for completing the RI and HHRA by the end of 2016. We also see an opportunity to complete the DRAFT FS by 1Q 2017 rather than April 2017 and would like to discuss this with EPA. We recognize the schedule is dependent on resolving the RAOs and other threshold issues with ARC to ensure they submit a substantially complete Draft FS.

6. OU-7. NDEP understands the Phase 1 field investigation and results will be provided in 3Q2016. Similar to OU-4a, NDEP believes that with adequate advance notice and planning evaluation of the results and a determination on whether additional investigation is necessary and the scope of that additional investigation can be completed in 3Q 2016.

7. Schedule for ARC by June 1. Since several major deliverables after 1Q 2017 are dependent on other determinations, NDEP suggests that EPA consider a schedule that requires deliverables based on a set duration after completion of predecessor events rather than hard dates. While NDEP has attempted to facilitate schedule discussions with ARC and EPA over the past year, it is probably advisable to give ARC a limited opportunity to provide input on a schedule.

We agree that we need to understand BLM role so that we can start making firm plans on OU-8. In the near future we also need to plan the 2017 – 2019 tasks for OU-8 with respect to sequence of activities needed to secure funding and complete contracting for remedial action. We can set a date to start that discussion at our May 19 meeting with BLM and after BLM and EPA clarify BLM's role on OU-8.

Greg